

# **EXHIBIT B**

IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

- - -

MICHAEL DATA and  
DARLENE DATA, his wife,

GD NO. 19-006253

Plaintiffs,

vs.

A.O. SMITH CORPORATION, et al.,

Defendants.

- - -

VIDEOTAPED DEPOSITION OF MICHAEL H. DATA

DEPOSITION DATE: JUNE 25, 2019

- - -

VOLUME III

- - -

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1 On Behalf of Mahoning Valley Supply Company; Power  
2 Piping Company; McMaster-Carr Supply Company; and  
3 Allied Glove Corporation:

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12 Inc.; Robbins & Myers, Inc.; Sundyne, LLC; and  
13 Robinson Fans, Inc.:

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2 Gorman-Rupp Company; M.S. Jacobs & Associates, Inc.;  
3 and Mine Safety Appliances Company, LLC:

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22 On Behalf of Pentair Valves and Controls, LLC, f/k/a  
23 Keystone Valves and Controls, Inc., n/k/a Vulsub II,  
24 LLC; Emerson Climate Technologies, Inc. (incorrectly  
sued as Emerson Climate Technologies, Inc., in its own  
right and as successor in interest to Alco Valve  
Company); Crosby Valve, LLC; and Mueller Co., LLC:  
(Telephonically)

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1 ALSO PRESENT:

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8 And

9 Darlene Data

10 ---

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(Whereupon, at 1:00 p.m. the deposition of  
MICHAEL H. DATA, VOLUME III, commenced.)  
THE VIDEOGRAPHER: This is Heather Criswell.  
I'm the videographer for the continuation of the  
deposition of Michael Data.

The date is the 6/25/2019. The time is  
1 o'clock p.m. The witness is still sworn.

MR. McLEIGH: Before we start up again, I  
would just ask the people on the phone to put your phones  
on mute, please. Thank you.

MICHAEL H. DATA,  
having been previously duly sworn, was examined and  
testified as follows:

# E X A M I N A T I O N

BY MR. McLEIGH:

Q. Hi, Mike. We are here for the third day of  
your deposition.

How are you feeling today?

A. Nervous.

Q. Okay. Are you -- how's your -- how do you  
feel healthwise today?

A. I'm a little short of breath, and that's  
about it. Short of breath.

Q. Okay. I'm going to try to finish up my

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A. Great Lakes, Illinois.

Q. Would that have been around the time 1969  
when you started in the Navy?

A. Yes.

Q. Were you assigned to a ship at some point?

A. Yes. The USS Newport News.

Q. And that -- the hull number is CA-148?

A. CA-148.

Q. What kind of a ship was the Newport News?

A. It was a heavy cruiser.

Q. Were you assigned to any other ships other  
than the Newport News during your time in the Navy?

A. No.

Q. Did you go directly from your basic training  
in Great Lakes to the Newport News?

A. Yes.

Q. Where did you meet the ship?

A. I met it in Norfolk, Virginia.

Q. Did you have -- did the ship have several  
cruises during its -- during the time that you were  
aboard?

A. Yes. Many.

Q. Were some of them in Vietnam?

A. Yes.

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questions in another hour or so, and then we'll let the  
defense lawyers begin their questions.

I want to jump now to your military service.  
Did you serve in the United States Navy?

A. Yes.

Q. During what years?

A. From 1969 to 1973.

Q. June of 1969 to March of '73?

A. Yes.

Q. Where did you do your basic training at?

A. Great Lakes, Illinois.

Q. What did your training consist of?

A. Mostly basic military instruction/training, a  
lot of marching, a lot of -- a lot of classes, and just  
about the basic military instructions.

Q. Were you trained in a particular specialty or  
field of work?

A. No, not at that time.

Q. Okay. Did you have some other training a  
little bit later in your time in the Navy?

A. Yes, I did.

Q. What were you trained as?

A. Basic -- basic propulsion.

Q. Where did you receive that training?

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Q. Was the ship damaged at some point in time?

A. Yes.

Q. What happened?

A. There was a -- one of the barrels -- they  
claim there was an oversized projectile that went in the  
barrel and didn't come out, and everything blew back.  
There was 22 people killed on it at that time, and there  
was a lot of smoke, a lot of -- I personally was in my  
rack and was trying to get to my battle station, but I  
never made it because of the thick smoke. And I went up  
on the main deck where -- they were saying for everybody  
else to go up there. And I pretty much doubled over and  
laid there for about a half an hour. I couldn't breathe.  
And then I came to and I was okay.

Pretty much we stayed up there the rest of  
the night until they had the -- until they took the dead  
out. And it was -- after that they went to port in Subic  
Bay for repairs.

Q. Was the ship off the coast of Vietnam when  
this occurred?

A. Yes, it was.

Q. What were your duties aboard the USS Newport  
News?

A. I was a fireman. I worked in the engine

7 (Pages 22 to 25)



Page 26

Page 28

1 room.

2 Q. What are the duties of a fireman?

3 A. The duties of a firemen were to tend to the  
4 boiler, tend to the engines, do repairs to the equipment,  
5 pumps, valves and things like that, do stand watches.

6 Q. You referred to the engine room. Was there  
7 one or more than one engine room aboard the Newport News?

8 A. There was four.

9 Q. Which one or ones did you work in?

10 A. I worked in No. 3.

11 Q. Is that where you were primarily stationed,  
12 in No. 3?

13 A. Yes.

14 Q. Did you spend some time in the other engine  
15 rooms?

16 A. Yes.

17 Q. Did you have to walk through any of the other  
18 engine rooms to get to your station?

19 A. No. No. You walked up by the -- we call it  
20 the hold -- the main deck, and then back down -- across  
21 the ship and back down to the other engine rooms.

22 Q. Okay. Would your work in all four of the  
23 engine rooms have been as a fireman?

24 A. Yes.

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1 Q. Let's talk about the equipment. You said  
2 there was boilers, engines, pumps, valves.

3 What were the other principal pieces of  
4 equipment that were in the engine compartments of the  
5 Newport News?

6 A. I don't quite understand your question there.

7 Q. Well, you had boilers, engines, pumps and  
8 valves?

9 A. Yeah.

10 Q. Was there any other equipment that was in the  
11 engine rooms?

12 A. There was turbines. There was electrical  
13 panels. There was -- I don't know -- the bilge pumps  
14 and -- I don't know. That's all I -- except for that  
15 other stuff, I don't know anything else.

16 Q. Okay. Were there any fans or blowers?

17 A. Yes.

18 Q. How about steam traps?

19 A. Yes, there was.

20 Q. How about generators?

21 A. Yes.

22 Q. Did you personally work on all those  
23 categories of equipment yourself during your time in the  
24 Navy?

1 A. Yes, at one time or another.

2 Q. Describe for us the work you would do on  
3 pumps.

4 A. It all depends on what had to be done. If it  
5 was just a routine packing job, you'd take the pump out  
6 of service. You would close all your valves. Then you  
7 would take your packing glands loose, use a packing  
8 puller and pull all your packing out and repack it and  
9 put your packing gland back in and then put it back in  
10 service and hope you got it right.

11 Q. Did you sometimes have to disconnect the pump  
12 from the piping system?

13 A. Yes.

14 Q. How would you do that?

15 A. You'd take all the bolts out and anything  
16 connected to the pump. The motor, you'd take it off, and  
17 then you would use a come-along or a chain fall and pull  
18 it out.

19 Q. Was the work of removing the pump and  
20 replacing it -- did that work involve the use of any  
21 gaskets?

22 A. Yes, it did.

23 Q. How would you use those gaskets?

24 A. You'd put them on the flanges of the piping.

1 Q. Did you have to cut them in order to install  
2 them?

3 A. Yes.

4 Q. How did you cut them?

5 A. What we did was -- a lot of times we'd use a  
6 ball-peen hammer, and you'd tap around the flange, and  
7 then once you had a pattern made there, the bolt pattern  
8 and the piping pattern and the flange, you would take and  
9 cut it out with a knife or pair of scissors.

10 Q. Did that create dust?

11 A. Yeah, somewhat.

12 Q. Did you breathe that dust?

13 A. Yeah. Mostly when you was taking the old  
14 packing gland -- the old packing -- I'm sorry -- the old  
15 gasket off, that's when you'd get into the -- into the  
16 dust.

17 Q. Did you follow the same procedure when you  
18 worked on valves as what you told us about earlier in  
19 your testimony on day one?

20 A. Yes.

21 Q. Would that work have involved the use of  
22 gaskets?

23 A. Yes.

24 Q. Was there any asbestos -- was there

Page 30

1 any -- strike that.

2 Did you do any work on the boilers on the  
3 ship?

4 A. Yes.

5 Q. What did you do on the boilers?

6 A. A lot of times you'd do your routine  
7 cleaning. You'd go inside when -- you had water sides  
8 and fire sides. You'd go inside the blowers and scrape  
9 all the residue off of that -- off of the tubes on the  
10 fire sides, and then you'd go inside on the water sides  
11 and open the steam drum. You'd go inside and pull  
12 everything out of there and clean your tubes with a --  
13 with a brush, with a pneumatic brush. You'd run it down  
14 each tube and pull it out. Then you'd clean all your  
15 internals, put them back in and then button it up, and  
16 you was good to go.

17 Q. When you say "button it up," was there some  
18 kind of an access hatch or pad?

19 A. Yes. Yes, there was.

20 Q. Were there any gaskets associated with that?

21 A. Yes.

22 Q. Was there any insulation on the boilers  
23 aboard the Newport News?

24 A. Yes.

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1 Q. What did that insulation look like?

2 A. It was fibrous. It was -- it was like a  
3 block-type insulation. It could have been asbestos.

4 Q. Did you handle the insulation and the gaskets  
5 when working on the boilers aboard the Newport News?

6 A. Yes.

7 Q. You said that there were engines. What kind  
8 of engines did the ship have?

9 A. They was -- actually the engine room -- we  
10 was talking about the turbines in there, not the main  
11 engine -- not the engines like you know.

12 Q. So these weren't big gasoline or diesel  
13 engines powering this huge ship?

14 A. Right. Right.

15 Q. Okay.

16 A. They were steam-driven turbines.

17 Q. Did you have to do any work on the turbines?

18 A. Yes.

19 Q. What kind of work did you do on them?

20 A. Mostly -- like if it was in port, you  
21 would -- if you had trouble with one of them, you would  
22 lift the hoods on it and check everything out with --  
23 with -- an outside contractor that would come in, and  
24 they would pretty much do most of the -- most of the

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1 work. But you had times where you had to scrape the  
2 gaskets off of the -- the hood and the mating surface,  
3 which was the housing.

4 Q. And you've done that work yourself?

5 A. Yes.

6 Q. What did the gaskets look like?

7 A. They was like a white fibrous sort of -- they  
8 were hard.

9 Q. How did you scrape them off?

10 A. With a scraper or wire brush, pneumatic wire  
11 wheel. That's where you'd get into the dust, right there  
12 with the pneumatic wheel.

13 Q. Did you breathe that dust?

14 A. Yes, I did.

15 Q. And this work took place in the engine room?

16 A. Yes.

17 Q. Okay. The electrical panels that you told us  
18 about, did you have to do any work on those?

19 A. Yes, I've done a little on them.

20 Q. What did you do on them?

21 A. Mostly helped the electricians clean them  
22 out, spray them out real good and blow them out with air.  
23 And pretty much that was it.

24 Q. What would be inside -- or what was inside of

Page 33

1 those electrical panels?

2 A. That was -- your contact points were in  
3 there, different starters.

4 Q. Motor starters?

5 A. Yes. And your 120 circuit and your 220  
6 circuit would be in there. Pretty much that's it.

7 Q. Okay. When you say "contactors," do you mean  
8 magnetic switches?

9 A. Yeah. They would pull in when you'd hit the  
10 switch.

11 Q. And you used -- others would use compressed  
12 air to clean those pieces of equipment in your presence?

13 A. Yes.

14 Q. How close would you be when they were doing  
15 that work?

16 A. From me to you away.

17 Q. Did you breathe that dust?

18 A. Yes.

19 Q. Fans and blowers, did you work on those  
20 during your time on the Newport News?

21 A. Yeah. Rarely, but I have.

22 Q. What kinds of work have you done on them?

23 A. Mostly basically your basic maintenance.  
24 Grease them. Check everything. Check the oil cups in



Page 34

1 them. And pretty much that was it.

2 Q. Did you have to do any kind of work on the  
3 motors? Well, strike that.

4 Were there motors associated with these  
5 pieces of equipment?

6 A. Yes.

7 Q. Did you have to do any work on the motors?

8 A. Just basically check the oil in them. And if  
9 they had grease fittings, you'd grease them.

10 Q. The steam traps -- did you have to work on  
11 the steam traps?

12 A. Yes.

13 Q. What did you do on the steam traps or with  
14 the steam traps?

15 A. What you would do a lot of times -- if they  
16 was blowing, you would tear them apart. Pretty much if  
17 they couldn't be repaired, you would put another steam  
18 trap in, and if they could be repaired, you would put  
19 another gasket in.

20 Q. So there were gaskets associated with them as  
21 well?

22 A. Yes.

23 Q. Did you handle those gaskets in the same  
24 manner that you described for us earlier?

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1 A. Yes.

2 Q. Finally, the generators. Did you work on the  
3 generators on the ship?

4 A. No, I didn't have too much dealings with  
5 that.

6 Q. Did you work around anyone who worked on the  
7 generators?

8 A. Yes.

9 Q. What kind of work was done on them?

10 A. Pretty much your basic -- if they wasn't  
11 having any problems with them or anything, it would be  
12 your basic planned maintenance -- planned maintenance on  
13 them where they would open them up and check everything  
14 out inside them, see if everything was okay, that it  
15 wasn't getting any rubbing, any wear spots or anything  
16 like that. And they would blow them out. A lot of times  
17 they would blow them out real good.

18 Q. With compressed air?

19 A. Yes.

20 Q. How was the housing removed from the  
21 generator?

22 A. It wasn't actually a housing. It was like  
23 a -- like a hatch door on the side, both sides and on the  
24 top. You would take all the bolts out, and you could go

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1 down inside.

2 Q. Were there any gaskets associated with those  
3 hatches?

4 A. Yeah, I believe there was.

5 Q. Okay. Would the workers who were doing that  
6 work have to open those hatches up and climb in and out?

7 A. Yes.

8 Q. Okay. Did they do that in the -- in your  
9 presence?

10 A. Yes.

11 Q. Would that have occurred in the engine rooms?

12 A. Yes.

13 Q. Okay. Now, was there a time when the ship  
14 was in dry dock in the United States?

15 A. Yes.

16 Q. When was that approximately?

17 A. About 1970, '71. Somewhere in that period.

18 Q. Do you recall how long the ship was in for  
19 repairs?

20 A. It was in for nine months, I believe.

21 Q. Did you stay aboard during that time?

22 A. Yes.

23 Q. What were your duties?

24 A. Pretty much just, you know, help out.

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1 Whatever they wanted you to do.

2 Q. In the engine room --

3 A. Yes.

4 Q. -- or engine rooms, rather?

5 A. Yes.

6 Q. Did your work -- did it change in any  
7 substantial way during the time the ship was in dry dock  
8 compared to when it was at sea?

9 A. Yes. You would -- a lot of times if it  
10 needed re-tubed, you would cut all the tubes out, and  
11 your job would be to throw them out, take them out of the  
12 ship and onto the main deck of the ship, into a hopper,  
13 and throw them in there.

14 Q. You're referring to boiler tubes, right?

15 A. Yes.

16 Q. Were there contractors or employees that  
17 weren't Navy men aboard the ship working or helping with  
18 the work that was being done in the reconstruction of the  
19 ship?

20 A. Yes.

21 Q. Was most of the equipment aboard the ship --  
22 was it being refurbished as opposed to being replaced?

23 A. Yes.

24 Q. The main pieces of equipment, the turbines

10 (Pages 34 to 37)

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1 and the boilers and larger pumps and valves, were those  
2 things kept in place during this repair process?

3 A. Some of them. If they needed repairs, they  
4 would pull them out.

5 Q. But they didn't replace those pieces of  
6 equipment in that period of time?

7 A. No. They would send them to a shop, and they  
8 would have them redone.

9 Q. And brought back aboard?

10 A. Yes.

11 Q. Where was the ship in dry dock at? In what  
12 facility?

13 A. It was in Portsmouth, Virginia.

14 Q. Is that the Norfolk shipyard?

15 A. No. It's the Portsmouth -- Portsmouth's  
16 naval shipyard.

17 Q. Okay. Now I want to ask you about certain  
18 pieces of equipment aboard the Newport News.

19 Do you recall the manufacturer of any of the  
20 turbines?

21 A. I think they was General Electric.

22 Q. Okay. How do you associate that name with  
23 the turbines?

24 A. It was right on there.

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1 Q. How about the generators? Do you associate  
2 any manufacturer names with the generators?

3 A. I believe they were Westinghouse. That was  
4 also on there.

5 Q. Okay. The name was on there?

6 A. Yes.

7 Q. How about the pumps? Do you associate any  
8 manufacturer names with any of the pumps that you  
9 encountered aboard the Newport News?

10 A. I know there was Buffalo and DeLaval, Quimby,  
11 Warren, Ingersoll Rand, Gould. That's about all I can  
12 remember right now.

13 Q. Okay. Do you remember --

14 MR. FISCHER: Can we have the third name?  
15 Can you read that back to us?

16 MR. McLEIGH: He said -- I'm not going -- do  
17 you want it read back, or I can just give you the list?

18 MR. FISCHER: Okay. I've got it. Thank you.  
19 Sorry.

20 MR. McLEIGH: Okay.

21 BY MR. McLEIGH:

22 Q. Sorry for the interruption.

23 Are those all that you can remember sitting  
24 here right now?

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1 A. Yes.

2 Q. Do you remember Deming pumps?

3 A. What's that?

4 Q. Deming pumps.

5 DEFENSE COUNSEL: Charlie, could you keep  
6 your voice up? It's very hard to hear you back here.

7 MR. McLEIGH: Sure. I'm sorry.

8 BY MR. McLEIGH:

9 Q. Do you remember Deming pumps?

10 A. No, I don't remember Deming.

11 Q. How about Nash?

12 MR. BRUNI: Object to the form.

13 THE WITNESS: Nash, yeah, I think -- I do  
14 remember that.

15 BY MR. McLEIGH:

16 Q. Do you associate any manufacturer names with  
17 any of the valves aboard the Newport News?

18 A. There was Crane and Foster. Foster  
19 Engineering.

20 Q. Okay. Do you associate any manufacturer with  
21 any of the steam traps?

22 A. No, I don't. I can't remember.

23 Q. So sitting here right now, you're not able to  
24 remember the names?

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1 A. Right.

2 Q. How about the name Mueller?

3 MS. POHL: Object to form.

4 THE WITNESS: No, I don't remember that.

5 BY MR. McLEIGH:

6 Q. Okay. Sarco?

7 A. No.

8 Q. Armstrong?

9 MS. MEUB: Objection. Form. Leading.

10 THE WITNESS: No.

11 BY MR. McLEIGH:

12 Q. Okay. Do you remember any of the brands of  
13 gasket material that were used in the work that you  
14 performed aboard the Newport News?

15 A. I know there was -- I think we used Victor on  
16 the steam applications, and Powerite paper was on the --  
17 Powerite was on the -- on, like, the water side and  
18 low-pressure steam side. Garlock I think was one.

19 Q. All of these pieces of equipment that we've  
20 discussed and that you've named by manufacturer name, are  
21 these all pieces of equipment that you yourself would  
22 have had some occasion to work on during the course of  
23 your time in the Navy?

24 A. Yes.



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1 Q. Would these have been pieces of equipment  
2 that others would have worked on in your vicinity during  
3 your time in the Navy?

4 A. Yes.

5 Q. Were these all pieces of equipment that were  
6 present aboard the USS Newport News when you were serving  
7 aboard the ship?

8 A. Yes.

9 Q. When the ship was in -- strike that.

10 The contracting company or companies that  
11 came aboard the ship to assist during the time that it  
12 was in dry dock, do you recall approximately how many  
13 employees would have been coming aboard during that  
14 period?

15 A. Oh, there was maybe -- maybe a hundred would  
16 come aboard.

17 Q. So they had a pretty substantial workforce  
18 that helped with the refitting of the ship?

19 A. Absolutely.

20 Q. All right. So now I want to ask you some  
21 questions about an affidavit.

22 MR. McLEIGH: Let's go off the record just  
23 briefly.

24 THE VIDEOGRAPHER: Off the record. The time

1 A. Yes.

2 Q. And was the affidavit satisfactory and  
3 correct and accurate, to the best of your knowledge, when  
4 you signed it?

5 A. Yes.

6 Q. Sitting here today, after testifying for  
7 two-and-a-half days, have you -- is everything contained  
8 in the affidavit, to your knowledge, accurate and  
9 correct?

10 MR. FISCHER: Object to the form.

11 THE WITNESS: Yes.

12 DEFENSE COUNSEL: Objection.

13 MR. FISCHER: Could we go off the record for  
14 a second?

15 MR. McLEIGH: Okay.

16 THE VIDEOGRAPHER: Off the record. The time  
17 is 1:30.

18 (Whereupon, an off-the-record discussion took  
19 place.)

20 THE VIDEOGRAPHER: Back on the record. The  
21 time is 1:32.

22 BY MR. McLEIGH:

23 Q. Okay, Mike. We're back on the record now.  
24 I'm going to switch gears and talk to you about a few

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1 is 1:26.

2 (Whereupon, a brief recess took place.)

3 (Whereupon, Data Deposition Exhibit No. 1 was  
4 marked for identification.)

5 THE VIDEOGRAPHER: Back on the record. The  
6 time is 1:29.

7 BY MR. McLEIGH:

8 Q. Okay, Mike. We were off the record just  
9 briefly. Now you have in front of you an affidavit.

10 Are you familiar with that document?

11 A. Yes.

12 Q. Is that your signature on the last page?

13 A. Yes.

14 Q. How was the affidavit prepared?

15 A. It was prepared by you and me. You would ask  
16 me a lot of questions, and I would tell you, and we put  
17 it together.

18 Q. Did I send you a copy of this affidavit, and  
19 did you have a chance to review it before you signed it?

20 A. Yes.

21 Q. Did you suggest some changes and some edits  
22 to the affidavit before you signed it?

23 A. Yes, a few times.

24 Q. And were those made?

1 other topics, and then I think I'll be done with my  
2 questions.

3 Were you ever a cigarette smoker?

4 A. Yes.

5 Q. During what years were you a smoker?

6 A. Probably '68 till about '81.

7 Q. So about 12 years or so?

8 A. Yes.

9 Q. What brands did you smoke?

10 A. Marlboro, Winston, Kools.

11 Q. About how much did you smoke per day?

12 A. When I was in the service, I smoked about a  
13 pack -- a pack a day.

14 Q. Was it ever more or less than that?

15 A. Yes. It was less than that when I got out.  
16 Usually around a half a pack, three-quarters.

17 Q. Why did you quit?

18 A. I quit when my first son was born.

19 Q. Okay. I want to talk to you a little bit  
20 about your medical condition because that's the principal  
21 reason that we're here.

22 Have you been diagnosed with mesothelioma?

23 A. Yes.

24 Q. When were you diagnosed with mesothelioma?

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1 A. January.  
 2 Q. 2019?  
 3 A. Yes.  
 4 Q. Who was the doctor that told you that you had  
 5 mesothelioma?  
 6 A. Dr. Freeland.  
 7 Q. Where were you diagnosed at?  
 8 A. Hillman Cancer Institute in Pittsburgh.  
 9 Q. What did they tell you at the time of the  
 10 diagnosis about the disease mesothelioma?  
 11 MR. HUETTER: Objection.  
 12 THE WITNESS: They told me it was caused by  
 13 asbestos.  
 14 BY MR. McLEIGH:  
 15 Q. Did they ask you where you had been exposed  
 16 to asbestos?  
 17 MR. HUETTER: Objection.  
 18 THE WITNESS: Yes, they did.  
 19 BY MR. McLEIGH:  
 20 Q. Did they give you any kind of treatment plan?  
 21 Like did they lay out any kind of options for you in  
 22 terms of what you could do to try to fight this disease?  
 23 A. Yes. They gave me radiation treatments, and  
 24 then they gave me immunotherapy, and that -- the

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1 immunotherapy was every two weeks.  
 2 Q. How long have you been having the  
 3 immunotherapy?  
 4 A. Probably about three months now.  
 5 Q. Where do you go for that?  
 6 A. Down at Hillman Cancer Institute.  
 7 Q. How long does it take you to get down there?  
 8 A. About an hour --  
 9 Q. Is it --  
 10 A. -- depending on the traffic.  
 11 Q. How long are you down there typically?  
 12 A. Oh, sometimes anywhere from two hours to five  
 13 hours.  
 14 Q. Does anyone go with you?  
 15 A. Yes. My wife.  
 16 Q. Do you drive there yourself and back?  
 17 A. No. No, I can't. Actually I'm not allowed  
 18 to drive because of the medication I'm taking.  
 19 Q. Now, the immunotherapy, when you have those  
 20 treatments, is it an injection?  
 21 A. It's put in through an IV.  
 22 Q. Do you have to sit there while the medication  
 23 is administered?  
 24 A. Yes.

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1 Q. How long does the actual drip process take?  
 2 A. About an hour.  
 3 Q. Are there other cancer patients receiving  
 4 treatment in the same area when you have this done?  
 5 A. Yes.  
 6 Q. How does the medication -- does the  
 7 medication have any effect on your physical well-being?  
 8 A. Yes, it does.  
 9 Q. What's the effect?  
 10 A. Well, the first day or two it makes me real  
 11 tired. It makes me nauseated. A couple times it made me  
 12 light-headed and dizzy. And then I have no stamina for  
 13 the first couple days.  
 14 Q. Does that clear up after a period of time?  
 15 A. Yes, somewhat.  
 16 Q. Does it ever get to the point where you don't  
 17 feel like you have any effects from it?  
 18 A. No.  
 19 Q. Okay. Now, you said you go every two weeks  
 20 for this treatment?  
 21 A. Yes.  
 22 Q. When's the last time you had treatment?  
 23 A. Last Wednesday.  
 24 Q. Okay. So we're about a little less than a

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1 week out from the time that you last had treatment?  
 2 A. Yes.  
 3 Q. Okay. And how do you feel today compared to  
 4 the way you felt a couple days ago?  
 5 A. Not too bad today. I'm a little short of --  
 6 short of breath. I'm always tired. And other than that,  
 7 I don't feel too bad. I've got pains once in a while in  
 8 my chest and my back, things like that. My knees.  
 9 Q. Is it true that part of the reason that we  
 10 have been scheduling your deposition as sporadically as  
 11 we have is to try to accommodate the good periods in  
 12 between your treatments --  
 13 A. Yes.  
 14 Q. -- and the times when you're likely to feel  
 15 at your best, given the circumstances?  
 16 A. Yes, it is.  
 17 Q. And you've also had other doctors' visits and  
 18 other appointments that you've had to attend to in the  
 19 last month or so?  
 20 A. Yes.  
 21 Q. Do you keep pretty busy going to the doctors?  
 22 A. Yes.  
 23 Q. Do you find yourself sleeping a lot?  
 24 A. Yes, quite a bit.



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1 Q. How late do you usually sleep in the day?

2 A. Usually what I do is I get up about  
3 9 o'clock -- between 9:00 and 9:30, eat breakfast, take  
4 my morning pills, and then I'm up a little bit. And then  
5 I go back to bed until about -- I don't know -- 11:00,  
6 11:30, and then I get up, and I'm pretty much up the rest  
7 of the day.

8 But I can't -- I can't make it -- I just --  
9 I'm up at night, during the night all night. That's  
10 why -- I've got prostate issues too, and I get up quite a  
11 bit during the middle of the night. I can't sleep.  
12 That's about it.

13 Q. Have you lost any weight since the diagnosis?

14 A. Yes, I have.

15 Q. About how much?

16 A. About 15 pounds.

17 Q. Now, when you were first diagnosed, obviously  
18 something brought you in to the hospital.

19 What kind of symptoms were you having that  
20 caused you to seek medical treatment?

21 A. I was having severe pains in my back, my ribs  
22 and my chest area, and first they diagnosed it as broken  
23 ribs, and then they said that wasn't it after about a  
24 month. So they took another scan again, and they found

1 prognosis in terms of this disease?

2 A. No, he hasn't.

3 Q. Okay. Before you were diagnosed with the  
4 mesothelioma and before you started having those various  
5 pains that you told us about, what were your activities  
6 like?

7 A. Oh, I was -- I was always outside doing  
8 something, working on cars and motorcycles and cutting  
9 grass and whatever. Hunting and fishing, whatever, you  
10 know, always outside.

11 Q. How much grass do you have to cut?

12 A. An acre.

13 Q. Do you have a riding mower?

14 A. Yes.

15 Q. And you used to like to go out and do that  
16 work?

17 A. Absolutely.

18 Q. Who does that now?

19 A. My son. My youngest son.

20 Q. So you said you like to work on motorcycles.  
21 I assume you like to ride motorcycles?

22 A. I did.

23 Q. Where did you ride?

24 A. Oh, all over. We just -- I had three friends

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1 some tumors, and then they told me to go to see a cancer  
2 doctor. That's what they were saying.

3 Q. Did it take them a little while, a number of  
4 weeks, to formulate a final diagnosis for you?

5 A. Yes, it did.

6 Q. Did that involve some additional scans and an  
7 additional biopsy?

8 A. Yes.

9 Q. I believe you said you were set to have  
10 another PET scan on Friday.

11 Did you say that on the record?

12 A. Yes.

13 Q. Okay. What is the purpose of the periodic  
14 PET scans that you have?

15 A. To see how much -- to see what's going on, I  
16 mean, if it's spreading or anything or if it's shrinking  
17 or whatever it may be.

18 Q. Have you gotten any news from the doctors  
19 about the effectiveness of the immunotherapy since you  
20 started the course of treatment?

21 A. Yeah. They said it's kind of -- kind of --  
22 well, they put it this way: "You're better" -- "You're  
23 doing better than average." That's what he told me.

24 Q. Okay. Has he given you any long-term

1 of mine that used to ride with me, and we used to go to  
2 Conneaut, Erie, different places like that. We took a  
3 ride to Dubois one time. They was having a meet there.  
4 And that's pretty much it.

5 Q. Okay. You said you like to work on cars.

6 Were these just cars that you used to get  
7 around, or did you have any restoration projects or  
8 anything like that that you did over the years?

9 A. No. Just cars I just drove around.

10 Q. So you liked to do maintenance on your cars?

11 A. Yes.

12 Q. You said hunting and fishing. Where did you  
13 hunt at?

14 A. I used to hunt up at my brother-in-law's  
15 cabin in Endeavor. It's about 12 miles past Tionesta.

16 Q. How about fishing? Where did you fish at?

17 A. We used to go all over. We used to go to  
18 Erie and Pymatuning, you know. And trout fishing, we  
19 used to go to all the creeks and different things like  
20 that.

21 Q. So fly-fishing?

22 A. No, I didn't fly-fish. No.

23 Q. How about on a boat? Did you go out on Lake  
24 Erie on a boat?



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1 A. Yes, I did.

2 Q. Are you able to do any of those things today?

3 A. Very little.

4 Q. What are you able to do today other than the  
5 things we talked about, going to the doctors and getting  
6 treatments and things?

7 A. My backyard is a slope, and it goes down to  
8 the woods. I can't even walk down to the woods and back  
9 up because I'm out -- I'm totally out of breath.

10 Anytime I try to do something, I'm out of  
11 breath, and I can't exert too much pressure -- I mean too  
12 much energy or, you know, I won't -- I won't make it.

13 Q. Mike, that's all I have for you. Thanks. We  
14 will take a break now.

15 THE VIDEOGRAPHER: Off the record. The time  
16 is 1:45.

17 (Whereupon, a brief recess took place.)

18 THE VIDEOGRAPHER: Back on the record. The  
19 time is 1:58.

20 E X A M I N A T I O N

21 BY MR. HUETTER:

22 Q. Sir, my name is Glenn Huetter. I am taking  
23 the lead defense role in this, so I'm going to ask a lot  
24 of general questions, and I may have specific questions

1 question that you answer, I'm going to assume that you  
2 both heard it and understood it.

3 If there's -- if there's a question that  
4 you're asked -- that we ask -- that I ask or one of the  
5 other attorneys asks and you don't know the answer or you  
6 don't remember the answer, just tell us that. Please  
7 don't guess at any of your answers. If you say you don't  
8 know, we might ask you for an estimate, in which case  
9 everyone will know that's what you're doing, you're  
10 giving your best estimate in that situation.

11 And it's very important that the two of us  
12 not speak at the same time because that makes the Court  
13 Reporter's job extremely difficult.

14 If you're not done with one of your  
15 answers -- sometimes I may take -- take one of your  
16 pauses as thinking that you're finished with your answer  
17 when you're still thinking of it. If that's the case,  
18 just let me know, and I'll give you as much time as you  
19 need to answer. Okay?

20 A. Okay.

21 Q. Your current address, 2407 Old Princeton  
22 Road, how long have you lived there?

23 A. 31 years.

24 Q. Where did you live before that?

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1 about some of my clients, and then some of the other  
2 people will come up and ask the questions they need to  
3 ask for their clients.

4 Just a couple things. I don't recall if  
5 Charlie went over these with you or not, but it's  
6 important that the two of us speak all of our answers,  
7 and even though you're on video, try to avoid using any  
8 hand gestures, nods, shrugs, because the Court Reporter  
9 can't take that down on the written record.

10 A. Okay.

11 Q. Please try to keep all of your answers --  
12 don't use slang. Yes or no rather than yeah, uh-huh,  
13 huh-uh. If you go with the shake of a head, it's going  
14 to show up on the video but not on the written record.

15 I may be -- if you happen to do that, I'm  
16 just going to ask you -- I'll clarify. I'll say, "Is  
17 that a yes?" "Is that a no?"

18 I'm not trying to be -- I'm not trying to  
19 take issue with you. I'm just trying to make sure we  
20 have a clear record.

21 If I ask you a question and you don't hear my  
22 question, please let me know, and I'll repeat it. If I  
23 ask you a question and you don't understand my question,  
24 please let me know, and I'll rephrase it for you. Every

1 A. I lived in Taylor Township on Martha Street.  
2 I lived there for seven years.

3 Q. Was that in a house?

4 A. No. Actually it was in a trailer.

5 Q. Okay. How about before that?

6 A. I wasn't married before that.

7 Q. Okay. Did you live with your parents until  
8 you got married?

9 A. Yes, I did.

10 Q. And what was your parent's address where you  
11 lived until you got married?

12 A. 2407 Morris Street, New Castle.

13 Q. So you have the same house number now that  
14 you grew up in. That's pretty impressive.

15 A. Yeah.

16 Q. During the time you were growing up, did your  
17 parents do any major renovations to their home?

18 A. Yes.

19 Q. What did they do?

20 A. My father put windows in, put a kitchen in,  
21 put a furnace in, just about remodeled the whole house.  
22 It was an old house, and it just needed remodeling.

23 Q. How old was the house?

24 A. Oh, it was over a hundred years old.

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1 Q. Did you help your dad with all these  
2 projects?  
3 A. Yes. But when I could get out of it, I could  
4 [verbatim].  
5 Q. The furnace -- you said you replaced the  
6 furnace in the -- or he replaced the furnace?  
7 A. Yes.  
8 Q. Did you help with that?  
9 A. Yes.  
10 Q. Do you know what type of furnace was taken  
11 out and what kind was put in?  
12 A. It was a coal furnace that was taken out and  
13 a gas furnace was put in, but the name of it I don't  
14 know.  
15 Q. When was it that the furnace was replaced?  
16 Even a decade would be a good place to start, if you're  
17 having trouble coming up with that.  
18 A. Yeah. 50 years ago.  
19 Q. Okay. So sometime in -- was it before you  
20 went into the military?  
21 A. Yeah. That's right.  
22 Q. Okay. Was it while you were still in high  
23 school?  
24 A. Yes.

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1 Q. Okay. And when your dad replaced the  
2 windows, did you help him with that?  
3 A. Yes, I did.  
4 Q. How many windows were there that were  
5 replaced; do you know?  
6 A. Jeez. One, two -- four upstairs. Five  
7 downstairs. Six, seven, eight, nine -- probably about  
8 ten windows.  
9 Q. Was this also while you were still in high  
10 school?  
11 A. Yes.  
12 Q. Do -- do you know who lives in that house  
13 today? Is it still in the family?  
14 A. Actually right now -- we sold the house, and  
15 the woman that lived there, she moved out, and now my --  
16 my niece has -- is in the process of buying the house so  
17 her sister could have someplace to live.  
18 Q. What is your niece's name that's buying it?  
19 A. Kylie.  
20 THE WITNESS: What's her last name? What's  
21 her last name?  
22 BY MR. HUETTER:  
23 Q. Unfortunately, your wife's not under oath, so  
24 she can't give any answers. If you don't know, you can

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1 say, "I don't know." That's fine.  
2 A. I don't know.  
3 Q. Okay. How is -- how is she related to you?  
4 Is this a --  
5 A. It's my sister's daughter.  
6 Q. Okay. So she's -- the house is under  
7 contract, and she's waiting to close on it?  
8 A. Yes.  
9 Q. Okay. You told us -- I think it was on the  
10 first day of your deposition -- that during high school  
11 you took some vo-tech classes at Lawrence County Vo-Tech?  
12 A. Yes, I did.  
13 Q. What was your area of study when you took  
14 those vo-tech classes?  
15 A. Masonry.  
16 Q. Masonry?  
17 A. That's right.  
18 Q. Did you get any practical experience, or was  
19 that pretty much all classroom work when you were  
20 learning masonry?  
21 A. That was pretty much all classroom work.  
22 Q. Okay. What is your wife's maiden name?  
23 A. Hardisky.  
24 Q. Could you spell that? I'm not even going to

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1 try. I don't want to insult her by trying to spell that.  
2 A. H-A-R-D-I-S-K-Y.  
3 Q. Thank you. Do you or your wife have any  
4 family in Allegheny County?  
5 A. Yes, I believe so.  
6 Q. Who would that be?  
7 A. My son -- my wife's nephew.  
8 Q. Is his name Hardisky?  
9 A. Yes.  
10 Q. Okay. Have you ever been known by any  
11 nicknames?  
12 A. No.  
13 Q. Does your wife work outside the home?  
14 A. No.  
15 Q. Has she ever during your marriage?  
16 A. Yes.  
17 Q. And what has she done?  
18 A. She worked for the Bureau of Vital Records.  
19 She was a receptionist.  
20 Q. Okay. Did she retire from that job?  
21 A. Yes.  
22 Q. Is she getting a pension from that job?  
23 A. Yes.  
24 Q. How much does she receive in pension?



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1 A. I'm not real sure.  
 2 Q. Okay. Does she collect Social Security?  
 3 A. Yes.  
 4 Q. Do you know how much her Social Security is?  
 5 A. \$900 a month.  
 6 Q. And do you collect Social Security?  
 7 A. Yes.  
 8 Q. How much is your Social Security?  
 9 A. Mine is like \$1,600.  
 10 Q. Are you collecting any pensions?  
 11 A. Yes.  
 12 Q. And how much is your pension?  
 13 A. \$1,300 a month.  
 14 Q. And from who do you receive that?  
 15 A. I receive that from FirstEnergy.  
 16 Q. Okay.  
 17 A. And I receive another check from -- it's --  
 18 jeez, I can't think of the name of the place now.  
 19 Q. One of the places where you used to work?  
 20 A. Yes.  
 21 Q. Was it when you were -- is it from Mesta?  
 22 A. No. Reliant.  
 23 Q. Reliant. Okay. Because Reliant purchased  
 24 the power station at some point --

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1 A. Yes.  
 2 Q. -- you switched to being Reliant's employee  
 3 at some point?  
 4 A. Right.  
 5 Q. Okay. How much do you receive from Reliant?  
 6 A. I receive like 9 something from -- 900 and  
 7 something from Reliant and 499, I think, from -- from  
 8 FirstEnergy.  
 9 Q. Okay. So the 1,300 was combining the two of  
 10 them, approximately?  
 11 A. No. That's -- that's separate.  
 12 Q. Okay. All right. So you get the 9 something  
 13 from Reliant and almost \$500 from FirstEnergy?  
 14 A. Right.  
 15 Q. And is there a separate \$1,300 check that you  
 16 get, too, every month?  
 17 A. No. I get two checks every month.  
 18 Q. Okay. All right. I just wanted to make  
 19 sure -- I just wanted to make sure I didn't misunderstand  
 20 what you said. That's all.  
 21 A. Yeah.  
 22 Q. Okay. So you get two checks from the power  
 23 station, one from FirstEnergy and one from Reliant?  
 24 A. Yes.

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1 Q. Okay. Do you have any other sources of  
 2 income right now?  
 3 A. No.  
 4 Q. Is there any history of cancer or breathing  
 5 problems in your family?  
 6 A. No. No, sir.  
 7 Q. Did you have any employment between your high  
 8 school graduation and when you joined the Navy -- or when  
 9 you went into the Navy? Because I don't know if you  
 10 joined -- if you joined or if you enlisted or got  
 11 drafted.  
 12 A. No. I used to work on a farm, Wanchinks  
 13 (phonetic) Greenhouse. I picked tomatoes and corn.  
 14 THE REPORTER: What was the name of the  
 15 greenhouse?  
 16 THE WITNESS: Wanchinks (phonetic).  
 17 BY MR. HUETTER:  
 18 Q. Could you spell that?  
 19 A. I don't know how to spell it.  
 20 Q. Can you help out the Court Reporter and spell  
 21 that one? She'll -- she'll figure it out. We'll come up  
 22 with something.  
 23 All right. So earlier you were talking to  
 24 Charlie about when you went into the Navy. I just want

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1 to ask you a couple of follow-up questions about that.  
 2 Was your official title fireman?  
 3 A. Yes.  
 4 Q. And when you said you received the  
 5 specific -- more specific training after the basic  
 6 training, was that how to become a fireman?  
 7 I think you called it propulsion education,  
 8 but was that -- did that train you to be a fireman?  
 9 A. That was just -- that was basic -- yes, it  
 10 was basic boilers, turbines, you know, generators, things  
 11 like that. They covered just about everything, yeah, in  
 12 this class.  
 13 Q. Did they just basically teach you how things  
 14 work?  
 15 A. Right.  
 16 Q. Okay. Did they offer you specific  
 17 instruction as to how to do each of the individual jobs  
 18 that you were doing?  
 19 A. No.  
 20 Q. How long was this class where they taught you  
 21 how things work when you went into the Navy?  
 22 A. About three months.  
 23 Q. Okay. Did it cover things other than how the  
 24 vessel itself operated?



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1 Did it cover, you know, procedures on the  
2 ship? Did it -- or was it strictly this is how the ship  
3 works?

4 A. It's pretty much just the way the ship works.  
5 It's -- there wasn't much of anything else.

6 Q. Okay. Was there anything in those classes  
7 that dealt with any of the potential dangers that might  
8 be aboard ship?

9 A. Yes, absolutely.

10 Q. Do you remember what any of those are?

11 A. You could overpressure the boiler, things  
12 like that. Spinning shafts. The turbines -- you know,  
13 you've gotta bring up the turbine at so much speed at a  
14 time, and, you know, you just can't call to reverse it  
15 when you're going real fast. Things like that. You know  
16 what I mean? A lot of safety issues.

17 Q. How about issues that had to deal with fires  
18 on board the ship? Did they teach you about what to do  
19 in case of a fire?

20 A. Yes.

21 Q. All right. And did they -- you had indicated  
22 earlier there was the issue with the -- the issue where  
23 the men died, and you said you were trying to get to your  
24 battle station but you couldn't make it through the smoke

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1 hands have to be at their battle stations, and if you  
2 weren't at your battle stations, then, I mean, you was  
3 unaccounted for.

4 Q. Okay. And I guess whenever -- you said you  
5 were in your bunk when this happened?

6 A. Yes.

7 Q. So you really didn't know what was going on  
8 when you were -- I guess you were probably sleeping, and  
9 something happened to wake you up, and you didn't know  
10 what was going on, so you headed to your battle station?

11 A. Absolutely.

12 Q. Okay.

13 A. They ring an alarm.

14 Q. Okay. When you were learning how to become a  
15 sailor and do these jobs, did the Navy ever give you any  
16 particular type of instruction about asbestos?

17 A. No.

18 Q. Do you know whether the Navy actually used  
19 asbestos aboard ship?

20 A. Yes, I believe so.

21 Q. Okay. And why is it you have that belief?

22 A. Most of the material on the ship was like a  
23 fibrous material, whether it be block insulation or  
24 matte, something on that order. And the ship was built

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1 and had to go up on deck, and that's when you passed out.

2 A. Yes.

3 Q. Was that something that was covered in your  
4 training, what to do in that type of situation?

5 A. No.

6 Q. Okay. What was the battle station that you  
7 were headed to when this happened?

8 A. My operating depart- -- my operating area.

9 Q. Okay. So you --

10 A. The boiler, engine room No. 3.

11 Q. And why is it that you were heading there  
12 when you thought there was some sort of emergency on the  
13 ship?

14 A. That's where you're supposed to go.

15 Q. Okay. That's what they taught you, go to  
16 where you were assigned if there was some sort of  
17 emergency aboard the ship?

18 A. Yes.

19 Q. Okay. Was that just so you could be  
20 accounted for, or was that to perform some specific task  
21 in that emergency situation?

22 A. That was a little of both.

23 Q. Okay.

24 A. You could pretty much -- pretty much all

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1 in 1949, and I don't believe at that time there was any  
2 precautions on asbestos.

3 Q. Do you know if the Navy at the time you were  
4 in required the use of asbestos aboard its ships?

5 A. No, I don't.

6 Q. What -- you said that the block and the matte  
7 insulation you believe contained asbestos?

8 A. Yes.

9 Q. What was the block used for aboard ship?

10 A. Mostly on the -- on the turbines and your --  
11 mostly on your turbines and your high- -- your  
12 high-pressure steam -- steam lines.

13 Q. And those high-pressure steam lines ran all  
14 through the ship; is that right?

15 A. No. They just ran from the turbine to the  
16 generator -- to the turbine -- from the boiler to the  
17 turbine. Each -- each one was -- had its own -- each  
18 boiler had a turbine and a generator and vice versa.

19 Q. Were there other -- was there other piping  
20 throughout the ship that had insulation on it?

21 A. Yes.

22 Q. Do you know if any of that insulation  
23 contained asbestos?

24 A. I believe it did because it was -- a lot of

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1 it was -- was steam lines, small steam lines like on your  
2 steam traps and your heat exchangers and things like  
3 that.

4 Q. Okay. And these -- did these steam lines run  
5 through your sleeping quarters?

6 A. No, they did not.

7 Q. Okay. Where exactly did they run  
8 throughout -- did they provide general heating to the  
9 ship?

10 A. Yes, they did. But they did not -- they just  
11 ran to the berthing compartments up in the -- up in the  
12 bulkheads. All it did was just blow the hot air down.

13 Q. Did you ever have to do any work on any of  
14 these steam lines?

15 A. Yes, I did.

16 Q. Okay. Did you remove the insulation from  
17 those lines when you did the work on them?

18 A. Yes, I did.

19 Q. Did you replace the insulation when you were  
20 done doing the work on those lines?

21 A. Yes, I did.

22 Q. How many -- do you know how many times that  
23 happened while you were in the Navy?

24 A. I don't know. Maybe a dozen times.

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1 Q. Do you know a manufacturer or brand name for  
2 any of that insulation that was used on any of the steam  
3 lines when you were in the Navy?

4 A. No, I don't.

5 Q. Did you ever do any work on the block  
6 insulation that was used on the turbines whenever you  
7 were in the Navy?

8 A. Yes.

9 Q. Did you have to remove that block insulation?

10 A. Yes.

11 Q. Did you replace that block insulation when  
12 you were done doing the work?

13 A. Yes, I -- I did, but anything that was busted  
14 or smashed, we cut new pieces and put them in.

15 Q. Okay. How often did that happen, that you  
16 had to work on the block insulation that was on the  
17 turbines when you were aboard ship?

18 A. Not that often. Maybe half a dozen times.

19 Q. On each of those times did you have to cut  
20 new block to help make the repair?

21 A. A few times I did, yes.

22 Q. Okay. Do you know the manufacturer or brand  
23 name of any of that block insulation that you used while  
24 you were in the Navy?

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1 A. No. No, I don't.

2 Q. Did it come in a box?

3 A. Yes, it did.

4 Q. Okay. You just don't -- as we sit here  
5 today, you can't recall anything about that box; is that  
6 correct?

7 A. That's right.

8 Q. Okay. You also mentioned a -- you said matte  
9 insulation.

10 What do you mean by "matte insulation"?

11 A. Matte. It was like a -- it was like a  
12 material with some type of an insulation inside of it,  
13 and it was usually cut to fit, and there would be -- a  
14 guy would come in, and then he'd measure everything.  
15 He'd pretty much do all the cutting and the fitting.  
16 You'd have to help him out. And it was wired together by  
17 hooks. They had hooks on it, and...

18 Q. I'm -- I'm trying to get a mental picture of  
19 what you're describing for me because I'm not sure.

20 Is it something that was kind of like --  
21 almost like a comforter?

22 A. Yes. Yes.

23 Q. Okay. That's what I was thinking as you were  
24 describing it.

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1 A. Yeah.

2 Q. And what color was this matte material?

3 A. It was like a silverish-white.

4 Q. Okay. Was that the outside color, the  
5 silverish-white?

6 A. Yes.

7 Q. Did it have a different color on the inside?

8 A. No. The inside was white.

9 Q. Okay. How often did you have to help the guy  
10 that came in to cut and fit all this?

11 A. Not very often. A couple times.

12 Q. What trade would come in and do that with  
13 this matte, that would have to come in?

14 What was the title of the person that would  
15 do that?

16 A. Insulators.

17 Q. They had insulators aboard ship?

18 A. Yes -- no, no, no.

19 Q. This is when it was in dry dock?

20 A. Yes.

21 Q. Okay.

22 A. Any time you was at port and you needed some  
23 work done like that.

24 Q. The work that you've told me about on the



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1 steam lines that you would have done, the times that you  
2 said -- the dozen or so times, you said -- was that in  
3 dry dock, or was that when you were out at sea?

4 A. That was mostly in dry dock. It was -- you  
5 could do the best you can to fix it up -- you know what I  
6 mean -- to straighten it out until you got in dry dock.

7 Q. Okay. The same thing with the work on the  
8 block used on the turbines? That was done in dry dock  
9 also?

10 A. Yes.

11 Q. Okay. Is there anything else that was on  
12 board the Navy ships that you believe may have contained  
13 asbestos?

14 A. The packing. The -- the packing and the  
15 gaskets I believe contained asbestos.

16 Q. What was the packing -- what did you use the  
17 packing for when you were aboard ship?

18 A. To repack the pumps. Around the shafts it  
19 would start leaking. It was supposed to leak a little  
20 bit, but they kind of -- once you tightened it up -- the  
21 packing glands up so far, it would not -- you would  
22 either have to put a ring of packing in or you'd have to  
23 repack the whole pump.

24 Q. Can you describe for me what this packing

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1 where you had to go to get the packing when you needed  
2 it?

3 A. Yeah. Like the maintenance department would  
4 have the packing. You'd go up there and -- actually  
5 there was a maintenance man with you when you would be  
6 repacking this -- these pumps.

7 Q. The maintenance man, was that the title of  
8 the person that would do that?

9 A. No. His title would be damage control.

10 Q. Okay. So would the damage control person  
11 come down if there was -- if someone spotted an issue, to  
12 see what could be done, and then you would help make that  
13 repair when it would -- to get the issue resolved?

14 A. It all depends. If it was something real  
15 bad, they would come down, but if it was for something  
16 like -- something that maybe needed a packing gland  
17 pulled up or maybe just another ring of packing put in,  
18 you would generally do that. You'd call the -- you know,  
19 call the control room, and you would tell them that this  
20 packing was -- if this pump was in service that you would  
21 be switching to another pump, or, if not, you know, you'd  
22 just let it -- just ride it out.

23 Q. As I'm envisioning this, then, you noticed  
24 that a pump might be leaking, so you would call up and

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1 looked like?

2 A. It was different colors. It was like -- some  
3 of it was white. Some of it was gray. I think the gray  
4 stuff was more for heat applications and the white stuff  
5 was more for your -- you know, your cold water pumps, you  
6 know. It was -- it didn't get real hot.

7 Q. How did the packing come packaged, or how did  
8 you get it?

9 A. It was in rings. It was kind of like in  
10 rings or on a -- oh, it was on, like, a reel. Sometimes  
11 it was precut. Sometimes it wasn't. Most of the times  
12 it wasn't and you'd have to cut it yourself.

13 Q. So it came off of a spool?

14 A. Yes.

15 Q. And you would cut it -- you would cut off the  
16 piece that you would need to fix whatever it was you  
17 needed to fix?

18 A. Yes.

19 Q. Was this packing round or square?

20 A. It was square.

21 Q. Can you tell me what size it was?

22 A. It was all different sizes. It was anywhere  
23 from 3/16ths to a half inch.

24 Q. Was there a particular place on the ship

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1 say, "Hey, this is leaking. I think it just needs a  
2 little more packing in it." And then you would switch  
3 the pump off and then take off the cover and then just  
4 stuff some more packing in the packing gland?

5 A. Pretty much, yeah.

6 Q. Okay. Do you know a manufacturer or brand  
7 name of any of the packing that you used while you were  
8 in the Navy?

9 A. No, I don't remember any.

10 Q. Okay. What would you use gaskets for aboard  
11 ship?

12 A. The gaskets were for your flanges, like, on  
13 your -- anything where you had two pieces of metal coming  
14 together that carried, like, a liquid or a steam or even  
15 a, you know, oil, you would need gaskets in it.

16 Q. How much would you work with gaskets when you  
17 were aboard ship?

18 A. Quite often because you had something that  
19 was leaking quite often.

20 Q. Would that be every shift you would have to  
21 change a gasket?

22 A. No. Not every shift, no.

23 Q. A couple times a week anyway, I'm guessing?

24 A. I would think, yeah.



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1 Q. Okay. And you described earlier for  
2 Charlie -- you were talking about how you had to make  
3 your own gaskets.

4 A. Yes.

5 Q. Is that typically what you did? You would  
6 have to -- to make your own gaskets and cut them out when  
7 you were aboard ship?

8 A. Nine times out of ten you did. Occasionally  
9 they would have them already made.

10 Q. But about 90 percent of the time you had to  
11 make your own?

12 A. Yes.

13 Q. I assume you're cutting it from a sheet of  
14 gasket material; is that right?

15 A. Yes.

16 Q. Okay. How big would that sheet be that you  
17 would cut a gasket from?

18 A. You were supposed to use the stuff that was  
19 cut first. You know what I mean? It could be as big as  
20 this table. It could be -- you know, if you needed a  
21 small gasket, you'd find some pieces that were left, and  
22 you'd cut it out of that.

23 Q. You caught me asking a bad question, so let  
24 me reask it.

1 That's about all I can remember.

2 Q. Are you telling me those names were written  
3 on there or the different logos from those companies were  
4 on there?

5 A. The names were written on it.

6 Q. Did any of those companies have a logo that  
7 went with their names?

8 A. (No response.)

9 Q. If you can remember.

10 A. No, I can't remember.

11 Q. Okay. Did the Navy ever tell you that you  
12 needed to wear any sort of breathing protection when you  
13 worked with any asbestos-containing products?

14 A. No. They didn't actually tell you. Just --  
15 some of the older guys would tell you to put a mask on or  
16 something, you know, on that order, but they wouldn't  
17 come out and tell you -- the Navy wouldn't come out and  
18 tell you to put a mask on.

19 Q. What type of mask did you put -- these older  
20 guys, when they told you to put on a mask, what kind of  
21 mask were they talking about?

22 A. A paper mask.

23 Q. The paper throwaway type?

24 A. Yes.

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1 A new sheet of gasket material, how big would  
2 that be?

3 A. Oh, it comes in rolls.

4 Q. Okay.

5 A. Yeah. I don't know exactly how big it was.

6 Q. Do you know how wide that roll was?

7 A. Maybe 3 or 4 feet.

8 Q. How thick was the gasket material you would  
9 use?

10 A. It all depends. It all depends. It could be  
11 3/16ths. It could be a quarter inch. A quarter inch is  
12 probably about the biggest.

13 Q. Okay. Did the -- did the rolls come in a  
14 particular color or colors?

15 A. There was white, there was orange, an orange  
16 color, and there was sort of like a gray.

17 Q. Were you still thinking?

18 A. No.

19 Q. Okay. I told you that would happen sometime.  
20 I didn't want to cut you off.

21 Was there anything written or marked or any  
22 pictures or logos on any of these rolls?

23 A. Yeah, I believe there was Powerite.

24 "Powerite" was on some of it. "Garlock." "Victor."

1 Q. Okay. And those were readily available for  
2 you if you needed it?

3 A. Yes.

4 Q. Did you ever suffer any injuries while you  
5 were in the Navy?

6 A. No.

7 Q. You had indicated that -- I think the  
8 incident where the men died, that was while you were in  
9 Vietnam?

10 A. Yes.

11 Q. And the ship was taken to dry dock somewhere  
12 in Southeast Asia for the repairs?

13 A. That was Subic Bay in the Philippines.

14 Q. Okay. I wasn't familiar with that name.  
15 That's why I was asking.

16 And it was there for about nine months while  
17 it was repaired?

18 A. No, no, no.

19 Q. Okay.

20 A. It was there for probably about -- roughly a  
21 month.

22 Q. Okay. And then is that when it was -- then  
23 it was taken to Portsmouth after that for the repairs?

24 A. No, no. It was sent back to the -- what they

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1 called the firing line off the coast of Vietnam.

2 Q. Okay. And what's -- what's that? I'm not  
3 familiar with that. What was the firing line?

4 A. That's an area where you would -- how can I  
5 explain it? It was -- every night you would go -- you  
6 would get orders to go to different -- different places  
7 and run up and down the coast and just keep firing as  
8 much as you can, and then when you was done firing, you  
9 would go out -- back out to sea. And that was -- it  
10 pretty much took all night to do that. And that's it.

11 Q. Okay. Is that what you did for the -- at the  
12 end of your service?

13 I'm just trying -- if you can't tell, I'm  
14 trying to get a chronology of how everything happened  
15 so -- even if it's working backwards, because you told us  
16 you served aboard the same ship, the Newport News --

17 A. Yes.

18 Q. -- at the same time. But that was,  
19 obviously, damaged at some point, and that's when you  
20 went and did this firing line job? Do I understand that  
21 right?

22 A. Yes.

23 Q. Okay.

24 A. That was on the -- that was on the firing

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1 line that this happened.

2 Q. Oh. It happened while you were doing the  
3 firing line?

4 A. Yes.

5 Q. Okay. So that was -- the assignment that you  
6 had was actually this firing line assignment whenever  
7 this accident occurred?

8 A. Yes.

9 MR. McLEIGH: I just want to make sure we're  
10 clear. The ship was doing the firing from offshore, and  
11 one of the ship's cannons exploded. So he didn't go to a  
12 different job. He stayed on the ship the whole time.

13 BY MR. HUETTER:

14 Q. And I may have misunderstood because I  
15 thought you said you went onshore to do the firing?

16 A. No, no.

17 Q. Okay. Then I did misunderstand.

18 MR. HUETTER: Thanks, Charlie.

19 MR. McLEIGH: I didn't want to interrupt, but  
20 I figured that's what you thought.

21 MR. HUETTER: Okay. I appreciate the  
22 clarification.

23 BY MR. HUETTER:

24 Q. And then after -- okay. So that -- your

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1 assignment at the time was the firing line job, and  
2 that's whenever the shell got stuck and you had your  
3 accident? You were doing -- that's the exercise that was  
4 being done at that time?

5 A. Right.

6 Q. Okay. And then after the accident happened,  
7 the ship was taken to the Philippines, and it was there  
8 about a month while some repairs were being done?

9 A. Yes.

10 Q. Okay. And then after those repairs were  
11 done, was the -- was the ship placed back in service?

12 A. Yes.

13 Q. And where did you go after that? Did you go  
14 back to Vietnam?

15 A. Yes.

16 Q. How long had you been at sea doing the firing  
17 line exercises before the accident -- or the assignment  
18 before the accident happened?

19 A. 40 days. 40 to 45 days.

20 Q. Was that your initial assignment when you  
21 were aboard the Newport News?

22 A. I don't quite understand your question.

23 Q. Okay. All right. Let me back up because  
24 maybe I don't understand.

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1 You did your -- you did your basic training,  
2 you did your additional training, and then you were  
3 assigned to the Newport News?

4 A. Yes.

5 Q. Okay. And you told us you got -- was that in  
6 Norfolk or Portsmouth where you --

7 A. Norfolk.

8 Q. Okay. You met that in Norfolk.

9 So you went from Norfolk -- did you go to  
10 Vietnam from Norfolk?

11 A. Not exactly.

12 Q. Okay.

13 A. We went on some other cruises that -- it was  
14 like a -- we went to Europe, South America, places like  
15 that, and then we was -- then they got the call to go to  
16 Vietnam in about 1971, I think it was.

17 Q. And --

18 A. And that's -- that's where -- that's where we  
19 went.

20 Q. Okay. And then after everything happened and  
21 the ship was repaired and it went back into service, you  
22 went back to Vietnam?

23 A. Yes.

24 Q. How long were you in Vietnam after you went



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1 back?  
2 A. About 45 days.  
3 Q. Okay. And was the ship assigned somewhere,  
4 or did you come up to the end of your service at that  
5 time -- by that time?  
6 A. We got relieved by the USS Springfield.  
7 Q. Okay. And that's when you went back to  
8 Portsmouth?  
9 A. Norfolk.  
10 Q. Norfolk? I thought you said you were at  
11 Portsmouth at some point.  
12 A. The dry -- the dry docks are at Portsmouth.  
13 Q. Okay. So when did you go to -- so you went  
14 back to Norfolk.  
15 Did you have another assignment at that  
16 point?  
17 A. Yeah. We went to -- where did we go? We  
18 went to South America on a shore cruise, and we came  
19 back, and we was on -- we was in docks for probably about  
20 maybe a month, and then I got an early out. Three  
21 months.  
22 Q. Okay. So it was in -- it was in dry dock  
23 when you got your out?  
24 A. No. It was just in port.

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1 Q. Okay. And then the first -- the first job  
2 you had when you came back from the Navy was the Crane  
3 foundry job?  
4 A. Yes.  
5 Q. Okay. All right. I want to ask a couple  
6 more background questions, sir, and get some other  
7 information before we get back to talking about some of  
8 your work a little bit more.  
9 The information we have indicates that you  
10 had some -- it looks like you had some thyroid surgery  
11 around 1974?  
12 A. Yes.  
13 Q. What was the nature of the condition that  
14 caused you to have surgery?  
15 A. I had high calcium in my blood.  
16 Q. Okay. Was your thyroid removed at that  
17 point, or did they just -- what did they do for it with  
18 the surgery?  
19 A. They just took out part of the thyroid and  
20 part of the parathyroid.  
21 Q. And this was 1974, so it was after you were  
22 out of the Navy?  
23 A. Yes.  
24 Q. Did you have any symptoms when you were in

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1 the Navy of having this problem?  
2 A. No.  
3 Q. Okay. How was it -- how was it discovered  
4 that you had the high calcium problem?  
5 A. I went to have a routine checkup with my --  
6 with my doctor, and they took blood work, and he asked me  
7 if I knew if I was -- if I had high calcium in my blood.  
8 And I said -- I told him I didn't know that. And from  
9 there we just -- we just, you know, went to see a  
10 specialist.  
11 Q. Okay. Then you had that surgery done at  
12 Jameson?  
13 A. No. I had that done at Presbyterian.  
14 Q. Was that the first time you had had any  
15 surgery?  
16 A. Yes.  
17 Q. Okay.  
18 A. No. I'm getting a little confused here.  
19 Q. Let me help you out here and see -- let me  
20 try and help you out, because I didn't know where it fit  
21 in.  
22 But it also indicated that you might have had  
23 some hernia surgery?  
24 A. That's way later.

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1 Q. That's later? Okay.  
2 A. Yeah. In 1974 -- let's go back a little,  
3 because I had surgery twice on my -- on my thyroid.  
4 In '74 I had that done in Jameson, and  
5 that's --  
6 Q. And then in '85 you had it at Presby?  
7 A. Yes.  
8 Q. Okay. All right.  
9 A. Yes. I got confused.  
10 Q. I was going to ask you about it to try to  
11 help you out, because that's the way I had it written  
12 down, that that was the way you had it. It was -- you  
13 had -- the second surgery was in '85 at Presby.  
14 So Jameson was the first one?  
15 A. Yes.  
16 Q. Did you have any other treatments or visits  
17 to Jameson Hospital other than the thyroid surgery in  
18 '74?  
19 A. I had the -- I had the hernia surgery there.  
20 Q. And when was that? You said it was later  
21 than the thyroid surgery.  
22 A. 10, 11 -- 10 years ago.  
23 Q. So after you -- that was after you retired?  
24 A. Yes.